

## Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 NEA-10 SCCT-02 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 AID-20 DRC-01 /151 W

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R 031200Z APR 74

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 7944

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L KHARTOUM 0730

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: KHARTOUM TERRORISTS: STATUS BSO TRIAL

REF: KHARTOUM 0553

1. AFTER DINNER APRIL 2 AT HOME SUPREME COURT PRESIDENT KHALAFALLA AL-RASHID, I QUERIED HIM RE STATUS ARRANGEMENTS FOR TRIAL BSO TERRORISTS. WHILE CONDUCT CASE NATURALLY A SUDANESE MATTER, I SAID WE HAD NOTED PRESS REPORT SOME WEEKS AGO THAT TRIAL DATE WAS TO HAVE BEEN ANNOUNCED MID-MARCH BUT SO FAR THERE HAD BEEN NO SUCH STATEMENT. RASHID REPLIED THAT HE HAD PICKED THREE-MAN TRIBUNAL OF PARTICULARLY SENIOR JUDGES BECAUSE OF IMPORTANCE CASE AND DESIRE SEE IT HANDLED IN PROPER JUDICIAL FASHION. SENIOR MEMBER TRIBUNAL, ABDULLA ABU AGLA, HAD ASKED FAMILIARIZE HIMSELF WITH RECORDS IN CASE BEFORE SETTING TRIAL DATE. RASHID SAID THIS PROCESS NOW GOING ON AND HE HOPED ANNOUNCEMENT DATE MIGHT BE MADE FAIRLY SOON. IN RESPONSE MY QUESTION AS TO HOW SOON THEREAFTER TRIAL WOULD ACTUALLY BEGIN, RASHID SAID THERE WOULD NO DOUBT BE SOME LAPSE OF TIME, SINCE IT WAS HOPED AVOID SITUATION DURING MAGISTERIAL INQUIRY WHERE DEFENSE HAD SOUGHT POSTPONEMENTS IN PART ON GROUND INSUFFICIENT TIME. RASHID EMPHASIZED THAT, WHEN TRIAL STARTS, HE WANTED IT CARRIED THROUGH TO COMPLETION WITH MINIMUM SUCH DIVERSIONARY TACTICS.

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2. RASHID DID NOTE THERE WERE NUMBER "POLITICAL" ISSUES WHICH TRIAL WOULD NOT DOUBT HAVE TO ADDRESS. IN PARTICULAR, HE EXPECTS DEFENSE AGAIN TO ALLEGE, AS DURING INQUIRY, LACK OF SUDANESE JURISDICTION, SINCE CRIME COMMITTED ON DIPLOMATIC PREMISES. ALSO HE FEELS DEFENSE LIKELY CLAIMS ACCUSED HAD NOT COMMITTED "MURDERS" BUT "EXECUTIONS" DECREED BY SOME UN-SPECIFIED AND UNLOCATED "COURT". I COMMENTED THAT, EVEN WERE ALLEGATION TO BE ACCEPTED THAT PALESTINIANS WERE "AT WAR" AND MURDERED MEN THUS "WAR PRISONERS", GENEVA CONVENTION ON WAR PRISONERS, OF WHICH SUDAN PARTY, SPECIFICALLY BARRED EXECUTION WAR CAPTIVES. RASHID SAID HE AGREED.

3. COMMENT: WHILE EVIDENCE SO FAR LACKING, WE SPECULATE ON BASIS FOREGOING THAT TRIAL MAY GET UNDER WAY LATER THEN WE HAD HOPED. TRIAL DATE COULD BE ANNOUNCED NEXT FEW WEEKS BUT, IN PART DUE PLANNED ABSENCE PROSECUTOR IN UK FOR SIX WEEKS FROM MAY 1, DATE MENTIONED COULD BE THEREAFTER. THIS WOULD ADMITTELY BE DISAPPOINTING BUT IT WOULD ALSO HELP ASSURE SPEEDY TRIAL ONCE PROCESS BEGUN FOR REASON ADDUCED BY RASHID.  
BREWER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PARAMILITARY FORCES, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974KHARTO00730  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740075-0982  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION AF  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** KHARTOUM 0553  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 APR 2002 by boyleja>; APPROVED <05 JUN 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** KHARTOUM TERRORISTS: STATUS BSO TRIAL  
**TAGS:** PINS, SU, BSO  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005